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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|----------------------|-------------|----------------------|-------------------------|------------------|
| 10/769,811 | 02/03/2004 | Steve Wood | 061270-0916 | 9544 |
| 22428 | 7590 | 08/31/2004 | EXAMINER | |
| FOLEY AND LARDNER | | | NGUYEN, KIEN T | |
| SUITE 500 | | | ART UNIT | PAPER NUMBER |
| 3000 K STREET NW | | | | 3712 |
| WASHINGTON, DC 20007 | | | DATE MAILED: 08/31/2004 | |

Please find below and/or attached an Office communication concerning this application or proceeding.

| Office Action Summary | Application No. | Applicant(s) |
|------------------------------|------------------------|---------------------|
| | 10/769,811 | WOOD ET AL. |
| Examiner | Art Unit | |
| Kien T. Nguyen | 3712 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 03 February 2004.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 9-16 and 25 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 9-16 and 25 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 02/03/04

4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ .

5) Notice of Informal Patent Application (PTO-152)

6) Other: _____

Claim Rejections - 35 USC § 112

Claim 13 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 13 is confusing because it was not whether a hub is part of the claimed invention since the preamble of independent claim 1 only refers a non-motorized mobile for use with a swing with a hub. Accordingly, the following office action is directed to only the mobile.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 9-11, 13-16, and 25, as understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Steiner U.S. Patent 2,769,276.

Steiner disclosed a mobile comprising a mounting bracket (22); a support arm (11) coupled to the mounting bracket and having a distal end (12); a hanger attachment (13) coupled to the support arm at the distal end, the hanger attachment being freely movable at the distal end (column 1, lines 64-65); a hanger (18) coupled to the hanger attachment; a decorative object (21) coupled to the hanger (applicant's claims 9 and 25). The hanger includes a plurality of radially extending arms (18) (applicant's claim 10). Each arm supports a respective decorative object (21) (applicant's claim 11). The mounting bracket is capable of being mounted offset the crib (applicant's claim 13). The

hanger attachment (13) includes a non-motorized structure (swivel) to impart rotating motion to the hanger (applicant's claims 14 and 15). The support arm is positionable above a crib that a child positioned therein (applicant's claim 16).

Claims 9 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Harris U.S. Patent 5,370,570.

Harris disclosed a mobile comprising a mounting bracket (12); a support arm (26) coupled to the mounting bracket and having a distal end (26B); a hanger attachment (7) coupled to the support arm at the distal end and being freely movable at the distal end (column 5, lines 23-25); a hanger (6) coupled to the hanger attachment; a decorative object (5) coupled to the hanger; and the support arm (26) is rotatable in the mounting bracket at (20) (column 5, lines 53-54).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The enclosed references are cited for interest.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kien T. Nguyen whose telephone number is (703) 308-2493. The examiner can normally be reached on 7:30 AM-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached on (703) 308-1745. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3712

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Kien T. Nguyen
Primary Examiner
Art Unit 3712

Ktn